

# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/09/2008 (Per: GMM)



Appendix A ... Pt. 07B of 09

 The 2007 drafting file for LRB-0174

has been transferred to the drafting file for

**2009 LRB-0150**

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

**BILL**

1           **SECTION 64.** 48.32 (1) (c) 2. of the statutes is repealed.

2           **SECTION 65.** 48.32 (1) (c) 3. of the statutes is repealed.

3           **SECTION 66.** 48.33 (4) (d) of the statutes is created to read:

4           48.33 (4) (d) If the agency knows or has reason to know that the child is an  
5 Indian child, a description of any efforts undertaken to determine whether the child  
6 is an Indian child; specific information showing that continued custody of the child  
7 by the parent or Indian custodian is likely to result in serious emotional or physical  
8 damage to the child under s. 48.028 (4) (d) 1.; specific information showing that the  
9 county department, department in a county having a population of 500,000 or more,  
10 or agency primarily responsible for providing services to the child has made active  
11 efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family and that  
12 those efforts have proved unsuccessful; a statement as to whether the out-of-home  
13 care placement recommended is in compliance with the order of placement  
14 preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c); and, if the  
15 recommended placement is not in compliance with that order, specific information  
16 showing good cause, as described in s. 48.028 (7) (e), for departing from that order.

17           **SECTION 67.** 48.335 (3j) of the statutes is created to read:

18           48.335 (3j) At hearings under this section involving an Indian child, if the  
19 agency, as defined in s. 48.38 (1) (a), is recommending placement of the Indian child  
20 in a foster home, treatment foster home, group home, or residential care center for  
21 children and youth or in the home of a relative other than a parent, the agency shall  
22 present as evidence specific information showing all of the following:

23           (a) That continued custody of the Indian child by the parent or Indian custodian  
24 is likely to result in serious emotional or physical damage to the Indian child under  
25 s. 48.028 (4) (d) 1.

**BILL**

1           (b) That the county department, the department in a county having a  
2           population of 500,000 or more, or the agency primarily responsible for providing  
3           services to the Indian child has made active efforts under s. 48.028 (4) (d) 2. to  
4           prevent the breakup of the Indian family and that those efforts have proved  
5           unsuccessful.

6           (c) That the placement recommended is in compliance with the order of  
7           placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) or, if that  
8           placement is not in compliance with that order, good cause, as described in s. 48.028  
9           (7) (e), for departing from that order.

10          **SECTION 68.** 48.345 (3) (intro.) of the statutes is amended to read:

11          48.345 (3) (intro.) ~~Designate Subject to sub. (3m), designate~~ one of the following  
12          as the placement for the child:

13          **SECTION 69.** 48.345 (3m) of the statutes is created to read:

14          48.345 (3m) Subject to s. 48.028 (7) (c), if the child is an Indian child who is  
15          being placed in an out-of-home care placement, as defined in s. 48.028 (2) (e),  
16          designate one of the placements listed in s. 48.028 (7) (b) 1. to 4. as the placement for  
17          the Indian child, in the order of preference listed, unless the court finds good cause,  
18          as described in s. 48.028 (7) (e), for departing from that order.

19          **SECTION 70.** 48.355 (2) (b) 6v. of the statutes is created to read:

20          48.355 (2) (b) 6v. If the child is an Indian child who is placed outside the home,  
21          a finding supported by clear and convincing evidence, including the testimony of one  
22          or more qualified expert witnesses, that continued custody of the Indian child by the  
23          parent or Indian custodian is likely to result in serious emotional or physical damage  
24          to the child under s. 48.028 (4) (d) 1. and a finding supported by clear and convincing  
25          evidence as to whether the county department, department in a county having a

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1 population of 500,000 or more, or agency primarily responsible for providing services  
2 under a court order has made active efforts under s. 48.028 (4) (d) 2. to prevent the  
3 breakup of the Indian family and that those efforts have proved unsuccessful. The  
4 findings under this subdivision shall be in addition to the findings under subd. 6.,  
5 except that for the sole purpose of determining whether the cost of providing care for  
6 an Indian child is eligible for reimbursement under 42 USC 670 to 679b, the findings  
7 under this subdivision and the findings under subd. 6. shall be considered to be the  
8 same findings.

9 **SECTION 71.** 48.355 (2) (d) of the statutes is amended to read:

10 48.355 (2) (d) The court shall provide a copy of a dispositional order relating  
11 to a child in need of protection or services to the child's parent, guardian, legal  
12 custodian, or trustee, to the child through the child's counsel or guardian ad litem  
13 and, to the child's court-appointed special advocate, and, if the child is an Indian  
14 child, to the Indian child's Indian custodian and tribe. The court shall provide a copy  
15 of a dispositional order relating to an unborn child in need of protection or services  
16 to the expectant mother, to the unborn child through the unborn child's guardian ad  
17 litem and, if the expectant mother is a child, to her, to the parent, guardian, legal  
18 custodian, or trustee of a child expectant mother, and, if the expectant mother is an  
19 Indian child or if the unborn child when born may be an Indian child, to the expectant  
20 mother's Indian custodian and tribe or to the Indian tribe in which the unborn child  
21 may be eligible for affiliation when born.

22 **SECTION 72.** 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and  
23 amended to read:

24 48.355 (2d) (c) If the court finds that any of the circumstances specified in  
25 under par. (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing

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1 under s. 48.38 (4m) within 30 days after the date of that finding to determine the  
2 permanency plan for the child. ~~If a hearing is held under this subdivision, the agency~~  
3 ~~responsible for preparing the permanency plan shall file the permanency plan with~~  
4 ~~the court not less than 5 days before the date of the hearing.~~

5 **SECTION 73.** 48.355 (2d) (c) 2. of the statutes is repealed.

6 **SECTION 74.** 48.355 (2d) (c) 3. of the statutes is repealed.

7 **SECTION 75.** 48.355 (2d) (d) of the statutes is created to read:

8 48.355 (2d) (d) This subsection does not affect the requirement under sub. (2)  
9 (b) 6v. that the court include in a dispositional order placing an Indian child outside  
10 the home a finding as to whether the county department, department in a county  
11 having a population of 500,000 or more, or agency primarily responsible for providing  
12 services under a court order has made active efforts under s. 48.028 (4) (d) 2. to  
13 prevent the breakup of the Indian family and that those efforts have proved  
14 unsuccessful.

15 **SECTION 76.** 48.357 (1) (am) 1. of the statutes is amended to read:

16 48.357 (1) (am) 1. If the proposed change in placement involves any change in  
17 placement other than a change in placement specified in par. (c), the person or agency  
18 primarily responsible for implementing the dispositional order, the district attorney,  
19 or the corporation counsel shall cause written notice of the proposed change in  
20 placement to be sent to the child, the parent, guardian, and legal custodian of the  
21 child, any foster parent, treatment foster parent, or other physical custodian  
22 described in s. 48.62 (2) of the child, the child's court-appointed special advocate,  
23 and, if the child is an Indian child, the Indian child's Indian custodian and tribe. If  
24 the child is the expectant mother of an unborn child under s. 48.133, written notice  
25 shall also be sent to the unborn child by the unborn child's guardian ad litem. If the

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1 change in placement involves an adult expectant mother is an adult of an unborn  
2 child under s. 48.133, written notice shall be sent to the adult expectant mother and  
3 the unborn child by the unborn child's guardian ad litem. The notice shall contain  
4 the name and address of the new placement, the reasons for the change in placement,  
5 a statement describing why the new placement is preferable to the present  
6 placement, and a statement of how the new placement satisfies objectives of the  
7 treatment plan ordered by the court.

8 **SECTION 77.** 48.357 (1) (am) 1g. of the statutes is created to read:

9 48.357 (1) (am) 1g. If the child is an Indian child and if the proposed change  
10 in placement would change the Indian child's placement from a placement outside  
11 the home to another placement outside the home, a notice under subd. 1. shall also  
12 contain ~~specific information showing that continued custody of the Indian child by~~  
13 ~~the parent or Indian custodian is likely to result in serious emotional or physical~~  
14 ~~damage to the child under s. 48.028 (4) (d) 1., specific information showing that the~~  
15 ~~agency primarily responsible for implementing the dispositional order has made~~  
16 ~~active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family~~  
17 ~~and that those efforts have proved unsuccessful,~~ a statement as to whether the new

18 placement is in compliance with the order of placement preference under s. 48.028  
19 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance  
20 with that order, specific information showing good cause, as described in s. 48.028  
21 (7) (e), for departing from that order.

22 **SECTION 78.** 48.357 (1) (am) 1m. of the statutes is created to read:

23 48.357 (1) (am) 1m. If the child is an Indian child, notice under subd. 1. to the  
24 Indian child's parent, Indian custodian, and tribe shall be provided in the manner  
25 specified in s. 48.028 (4) (a). No hearing on the request may be held until at least 10

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1 days after receipt of the notice by the Indian child's parent, Indian custodian, and  
2 tribe or until at least 25 days after receipt of the notice by the U.S. secretary of the  
3 interior. On request of the Indian child's parent, Indian custodian, or tribe, the court  
4 shall grant a continuance of up to 20 additional days to enable the requester to  
5 prepare for the hearing.

6 **SECTION 79.** 48.357 (1) (am) 2. of the statutes is renumbered 48.357 (1) (am)  
7 2. (intro.) and amended to read:

8 48.357 (1) (am) 2. Any person receiving the notice under subd. 1. or notice of  
9 a specific placement under s. 48.355 (2) (b) 2., other than a court-appointed special  
10 advocate, may obtain a hearing on the matter by filing an objection with the court  
11 within 10 days after receipt of the notice. Placements Except as provided in subd.  
12 2m., placements may not be changed until 10 days after that notice is sent to the  
13 court unless written waivers of objection are signed as follows:

14 a. By the parent, guardian, or legal custodian and, or Indian custodian, the  
15 child, if 12 years of age or over, or and the child's tribe, if the child is an Indian child.

16 b. By the child expectant mother, if 12 years of age or over, her parent, guardian,  
17 or legal custodian and, or Indian custodian, the unborn child by the unborn child's  
18 guardian ad litem, or and the child expectant mother's tribe, if she is an Indian child.

19 c. By the adult expectant mother and the unborn child by the unborn child's  
20 guardian ad litem, sign written waivers of objection, except that changes.

21 2m. Changes in placement that were authorized in the dispositional order may  
22 be made immediately if notice is given as required under subd. 1. In addition, a  
23 hearing is not required for placement changes authorized in the dispositional order  
24 except when an objection filed by a person who received notice alleges that new  
25 information is available that affects the advisability of the court's dispositional order.

**BILL****SECTION 80**

1           **SECTION 80.** 48.357 (1) (am) 3. of the statutes, as affected by 2007 Wisconsin  
2 Act 20, is amended to read:

3           48.357 (1) (am) 3. If the court changes the child's placement from a placement  
4 outside the home to another placement outside the home, the change in placement  
5 order shall contain the applicable order ~~specified in~~ under sub. (2v) (a) 1m. and the  
6 applicable statement ~~specified in~~ under sub. (2v) (a) 2. If the court changes the  
7 placement of an Indian child from a placement outside the home to another  
8 placement outside the home, the change in placement order shall, in addition,  
9 contain the findings under sub. (2v) (a) 4. and comply with the order of placement  
10 preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court  
11 finds good cause, as described in s. 48.028 (7) (e), for departing from that order.

12           **SECTION 81.** 48.357 (1) (c) 1m. of the statutes is created to read:

13           48.357 (1) (c) 1m. If the child is an Indian child, a request under subd. 1. shall  
14 also contain specific information showing that continued custody of the Indian child  
15 by the parent or Indian custodian is likely to result in serious emotional or physical  
16 damage to the child under s. 48.028 (4) (d) 1., specific information showing that the  
17 agency primarily responsible for implementing the dispositional order has made  
18 active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family  
19 and that those efforts have proved unsuccessful, a statement as to whether the new  
20 placement is in compliance with the order of placement preference under s. 48.028  
21 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance  
22 with that order, specific information showing good cause, as described in s. 48.028  
23 (7) (e), for departing from that order.

24           **SECTION 82.** 48.357 (1) (c) 2. of the statutes is amended to read:



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1           48.357 (1) (c) 2. The court shall hold a hearing prior to ordering any change in  
2 placement requested under subd. 1. Not less than 3 days prior to the hearing, the  
3 court shall provide notice of the hearing, together with a copy of the request for the  
4 change in placement, to the child, the parent, guardian, and legal custodian of the  
5 child, the child's court-appointed special advocate, ~~and~~ all parties that are bound by  
6 the dispositional order, and, if the child is an Indian child, the Indian child's Indian  
7 custodian and tribe. If all parties consent, the court may proceed immediately with  
8 the hearing.

9           **SECTION 83.** 48.357 (1) (c) 2m. of the statutes is created to read:

10           48.357 (1) (c) 2m. If the child is an Indian child, notice under subd. 2. to the  
11 Indian child's parent, Indian custodian, and tribe shall be provided in the manner  
12 specified in s. 48.028 (4) (a). No hearing on the request may be held until at least 10  
13 days after receipt of the notice by the Indian child's parent, Indian custodian, and  
14 tribe or until at least 25 days after receipt of the notice by the U.S. secretary of the  
15 interior. On request of the Indian child's parent, Indian custodian, or tribe, the court  
16 shall grant a continuance of up to 20 additional days to enable the requester to  
17 prepare for the hearing.

18           **SECTION 84.** 48.357 (1) (c) 3. of the statutes, as affected by 2007 Wisconsin Act  
19 20, is amended to read:

20           48.357 (1) (c) 3. If the court changes the child's placement from a placement in  
21 the child's home to a placement outside the child's home, the change in placement  
22 order shall contain the findings ~~specified in~~ under sub. (2v) (a) 1., the applicable order  
23 ~~specified in~~ under sub. (2v) (a) 1m., the applicable statement ~~specified in~~ under sub.  
24 (2v) (a) 2., and, if in addition the court finds that any of the circumstances ~~specified~~  
25 in under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination

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1 ~~specified in~~ under sub. (2v) (a) 3. If the court changes the placement of an Indian  
2 child from a placement in the Indian child's home to a placement outside the Indian  
3 child's home, the change in placement order shall, in addition, contain the findings  
4 under sub. (2v) (a) 4. and comply with the order of placement preference under s.  
5 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as  
6 described in s. 48.028 (7) (e), for departing from the order.

7 **SECTION 85.** 48.357 (2m) (a) of the statutes is amended to read:

8 48.357 (2m) (a) The child, the parent, guardian, ~~or~~ legal custodian, or Indian  
9 custodian of the child, the expectant mother, the unborn child by the unborn child's  
10 guardian ad litem, or any person or agency primarily bound by the dispositional  
11 order, other than the person or agency responsible for implementing the order, may  
12 request a change in placement under this paragraph. The request shall contain the  
13 name and address of the new placement requested and shall state what new  
14 information is available that affects the advisability of the current placement. If the  
15 proposed change in placement would change the placement of a child placed in the  
16 child's home to a placement outside the child's home, the request shall also contain  
17 specific information showing that continued placement of the child in the home  
18 would be contrary to the welfare of the child and, unless any of the circumstances  
19 ~~specified in~~ under s. 48.355 (2d) (b) 1. to 5. applies, specific information showing that  
20 the agency primarily responsible for implementing the dispositional order has made  
21 reasonable efforts to prevent the removal of the child from the home, while assuring  
22 that the child's health and safety are the paramount concerns. The request shall be  
23 submitted to the court. ~~In addition, the~~ The court may also propose a change in  
24 placement on its own motion.

25 **SECTION 86.** 48.357 (2m) (am) of the statutes is created to read:

**BILL**

1. 48.357 (2m) (am) 1. If the proposed change of placement would change the placement of an Indian child placed in the Indian child's home to a placement outside the Indian child's home ~~or would change the placement of an Indian child placed outside the home to another placement outside the home~~, a request under par. (a) shall also contain specific information showing that continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child under s. 48.028 (4) (d) 1., specific information showing that the agency primarily responsible for implementing the dispositional order has made active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian family and that those efforts have proved unsuccessful, a statement as to whether the new placement is in compliance with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c) and, if the new placement is not in compliance with that order, specific information showing good cause, as described in s. 48.028 (7) (e), for departing from that order.

Insert 57-14  
SECTION 87. 48.357 (2m) (b) of the statutes is amended to read:

48.357 (2m) (b) The court shall hold a hearing ~~on the matter~~ prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, unless. A hearing is not required if the requested or proposed change in placement ~~involves any change in placement other than~~ does not involve a change in placement of a child placed in the child's home to a placement outside the child's home and, written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under ~~sub. (1) (am) 1.~~ this paragraph, other than a court-appointed special advocate, and the court approves. If a hearing is scheduled, not less than 3 days before the hearing the court shall notify the child,

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1 the parent, guardian, and legal custodian of the child, any foster parent, treatment  
2 foster parent, or other physical custodian described in s. 48.62 (2) of the child, the  
3 child's court-appointed special advocate, all parties who are bound by the  
4 dispositional order, and, if the child is an Indian child, the Indian child's Indian  
5 custodian and tribe. If the child is the expectant mother of an unborn child under  
6 s. 48.133, the court shall also notify the unborn child by the unborn child's guardian  
7 ad litem, or. If the change in placement involves an adult expectant mother of an  
8 unborn child under s. 48.133, the court shall notify the adult expectant mother, the  
9 unborn child by the unborn child's guardian ad litem, and all parties who are bound  
10 by the dispositional order, at least 3 days prior to the hearing. A copy of the request  
11 or proposal for the change in placement shall be attached to the notice. If all of the  
12 parties consent, the court may proceed immediately with the hearing.

13 **SECTION 88.** 48.357 (2m) (bm) of the statutes is created to read:

14 48.357 (2m) (bm) If the child is an Indian child, notice under par. (b) to the  
15 Indian child's parent, Indian custodian, and tribe shall be provided in the manner  
16 specified in s. 48.028 (4) (a). No hearing on the request or proposal may be held until  
17 at least 10 days after receipt of the notice by the Indian child's parent, Indian  
18 custodian, and tribe or until at least 25 days after receipt of the notice by the U.S.  
19 secretary of the interior. On request of the Indian child's parent, Indian custodian,  
20 or tribe, the court shall grant a continuance of up to 20 additional days to enable the  
21 requester to prepare for the hearing.

22 *chg* **SECTION 89.** 48.357 (2m) (c) of the statutes, as affected by 2007 Wisconsin Act  
23 20, is amended to read: 1.

24 48.357 (2m) (c) (If the court changes the child's placement from a placement in  
25 the child's home to a placement outside the child's home, the change in placement

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Insert 59-5

1 order shall contain the findings ~~specified in~~ under sub. (2v) (a) 1., the applicable order  
2 ~~specified in~~ under sub. (2v) (a) 1m., the applicable statement ~~specified in~~ under sub.  
3 (2v) (a) 2., and, if in addition the court finds that any of the circumstances ~~specified~~  
4 ~~in~~ under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the determination  
5 ~~specified in~~ under sub. (2v) (a) 3. If the court changes the child's placement from a  
6 placement outside the home to another placement outside the home, the change in  
7 placement order shall contain the applicable order ~~specified in~~ under sub. (2v) (a) 1m.  
8 and the applicable statement ~~specified in~~ under sub. (2v) (a) 2. If the court changes  
9 the placement of an Indian child from a placement in the Indian child's home to a  
10 placement outside the Indian child's home or from a placement outside the Indian  
11 child's home to another placement outside the Indian child's home, the change in  
12 placement order shall, in addition, contain the findings under sub. (2v) (a) 4. and  
13 comply with the order of placement preference under s. 48.028 (7) (b) or, if applicable,  
14 s. 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e),  
15 for departing from that order. ✓

16 SECTION 90. 48.357 (2v) (a) 4. of the statutes is created to read:

17 48.357 (2v) (a) 4. If the change in placement order changes an Indian child's  
18 placement from a placement in the Indian child's home to a placement outside the  
19 Indian child's home ~~or from a placement outside the Indian child's home to another~~  
20 ~~placement outside the Indian child's home~~, a finding supported by clear and  
21 convincing evidence, including the testimony of one or more qualified expert  
22 witnesses, that continued custody of the Indian child by the parent or Indian  
23 custodian is likely to result in serious emotional or physical damage to the child  
24 under s. 48.028 (4) (d) 1. and a finding supported by clear and convincing evidence  
25 that the agency primarily responsible for implementing the dispositional order has

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1 made active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian  
2 family and that those efforts have proved unsuccessful. The findings under this  
3 subdivision shall be in addition to the findings under subd. 1., except that for the sole  
4 purpose of determining whether the cost of providing care for an Indian child is  
5 eligible for reimbursement under 42 USC 670 to 679b, the findings under this  
6 subdivision and the findings under subd. 1. shall be considered to be the same  
7 findings.

8 **SECTION 91.** 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and  
9 amended to read:

10 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances  
11 ~~specified in under~~ s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court  
12 shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding  
13 to determine the permanency plan for the child. ~~If a hearing is held under this~~  
14 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~  
15 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

16 **SECTION 92.** 48.357 (2v) (c) 2. of the statutes is repealed.

17 **SECTION 93.** 48.357 (2v) (c) 3. of the statutes is repealed.

18 **SECTION 94.** 48.363 (1) (a) of the statutes is amended to read:

19 48.363 (1) (a) A child, the child's parent, guardian ~~or~~, legal custodian, or Indian  
20 custodian, an expectant mother, an unborn child by the unborn child's guardian ad  
21 litem, any person or agency bound by a dispositional order, or the district attorney  
22 or corporation counsel in the county in which the dispositional order was entered  
23 may request a revision in the order that does not involve a change in placement,  
24 including a revision with respect to the amount of child support to be paid by a  
25 parent, ~~or the~~. ~~The court may on its own motion also propose such~~ a revision. The

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1 request or court proposal shall set forth in detail the nature of the proposed revision  
2 and what new information is available that affects the advisability of the court's  
3 disposition. The request or court proposal shall be submitted to the court. The court  
4 shall hold a hearing on the matter prior to any revision of the dispositional order if  
5 the request or court proposal indicates that new information is available which  
6 affects the advisability of the court's dispositional order, unless written waivers of  
7 objections to the revision are signed by all parties entitled to receive notice and the  
8 court approves.

9 **SECTION 95.** 48.363 (1) (b) of the statutes is amended to read:

10 48.363 (1) (b) If a hearing is held, at least 3 days before the hearing the court  
11 shall notify the child, the child's parent, guardian, and legal custodian, all parties  
12 bound by the dispositional order, the child's foster parent, treatment foster parent,  
13 or other physical custodian described in s. 48.62 (2), the child's court-appointed  
14 special advocate, the district attorney or corporation counsel in the county in which  
15 the dispositional order was entered, and, if the child is an Indian child, the Indian  
16 child's Indian custodian and tribe. If the child is the expectant mother of an unborn  
17 child under s. 48.133, the court shall also notify the unborn child by the unborn  
18 child's guardian ad litem; ~~or. If the proceeding involves an adult expectant mother~~  
19 ~~of an unborn child under s. 48.133, the court~~ shall notify the adult expectant mother,  
20 the unborn child through the unborn child's guardian ad litem, all parties bound by  
21 the dispositional order, and the district attorney or corporation counsel in the county  
22 in which the dispositional order was entered, at least 3 days prior to the hearing. A  
23 copy of the request or proposal shall be attached to the notice. If all parties consent,  
24 the court may proceed immediately with the hearing. No revision may extend the  
25 effective period of the original order.

**BILL****SECTION 96**

**SECTION 96.** 48.365 (1m) of the statutes is amended to read:

48.365 (1m) The parent, child, guardian, legal custodian, Indian custodian, expectant mother, unborn child by the unborn child's guardian ad litem, any person or agency bound by the dispositional order, the district attorney or corporation counsel in the county in which the dispositional order was entered, or the court on its own motion, may request an extension of an order under s. 48.355 including an order under s. 48.355 that was entered before the child was born. The request shall be submitted to the court ~~which~~ that entered the order. ~~No~~ An order under s. 48.355 may be extended ~~except~~ only as provided in this section.

**SECTION 97.** 48.365 (2) of the statutes is amended to read:

48.365 (2) No order may be extended without a hearing. The court shall ~~notify~~ provide notice of the time and place of the hearing to the child, the child's parent, guardian, and legal custodian, all the parties present at the original hearing, the child's foster parent, treatment foster parent or other physical custodian described in s. 48.62 (2), the child's court-appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered and, if the child is an Indian child, the Indian child's Indian custodian and tribe. If the child is an expectant mother of an unborn child under s. 48.133, the court shall also ~~notify~~ the unborn child by the unborn child's guardian ad litem, or. If the extension hearing involves an adult expectant mother of an unborn child under s. 48.133, the court shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all the parties present at the original hearing, and the district attorney or corporation counsel in the county in which the dispositional order was entered, of the time and place of the hearing.

**SECTION 98.** 48.365 (2g) (b) 4. of the statutes is created to read:



**BILL**

1           48.365 (2g) (b) 4. If the child is an Indian child who is placed outside the home,  
2           specific information showing that active efforts under s. 48.028 (4) (d) 2. have been  
3           made to prevent the breakup of the Indian family and that those efforts have proved  
4           unsuccessful.

5           **SECTION 99.** 48.365 (2m) (a) 1. of the statutes is amended to read:

6           48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
7           extension. If the child is placed outside of his or her home, the person or agency  
8           primarily responsible for providing services to the child shall present as evidence  
9           specific information showing that the person or agency has made reasonable efforts  
10          to achieve the goal of the child's permanency plan, unless return of the child to the  
11          home is the goal of the permanency plan and any of the circumstances ~~specified in~~  
12          under s. 48.355 (2d) (b) 1. to 5. applies. If an Indian child is placed outside the home,  
13          the person or agency primarily responsible for providing services to the Indian child  
14          shall also present as evidence specific information showing that the person or agency  
15          has made active efforts under s. 48.028 (4) (d) 2. to prevent the breakup of the Indian  
16          family and that those efforts have proved unsuccessful.

17          1m. The judge shall make findings of fact and conclusions of law based on the  
18          evidence. The findings of fact shall include a finding as to whether reasonable efforts  
19          were made by the agency primarily responsible for providing services to the child to  
20          achieve the goal of the child's permanency plan, unless return of the child to the home  
21          is the goal of the permanency plan and the judge finds that any of the circumstances  
22          ~~specified in~~ under s. 48.355 (2d) (b) 1. to 5. applies. If the child is an Indian child who  
23          is placed outside the home, the findings of fact shall also include a finding as to  
24          whether active efforts under s. 48.028 (4) (d) 2. were made to prevent the breakup

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1 of the Indian family and as to whether those efforts have proved unsuccessful. An  
2 order shall be issued under s. 48.355.

3 **SECTION 100.** 48.365 (2m) (a) 3. of the statutes is amended to read:

4 48.365 (2m) (a) 3. The judge shall make the findings ~~specified in~~ under subd.  
5 ~~1. 1m.~~ relating to reasonable efforts to achieve the goal of the child's permanency plan  
6 and the findings ~~specified in~~ under subd. 2. on a case-by-case basis based on  
7 circumstances specific to the child and shall document or reference the specific  
8 information on which those findings are based in the order issued under s. 48.355.  
9 An order that merely references subd. ~~1. 1m.~~ or 2. without documenting or  
10 referencing that specific information in the order or an amended order that  
11 retroactively corrects an earlier order that does not comply with this subdivision is  
12 not sufficient to comply with this subdivision.

13 **SECTION 101.** 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad)  
14 and amended to read:

15 48.365 (2m) (ad) If the judge finds that any of the circumstances ~~specified in~~  
16 under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold  
17 a hearing under s. 48.38 (4m) within 30 days after the date of that finding to  
18 determine the permanency plan for the child. ~~If a hearing is held under this~~  
19 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~  
20 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

21 **SECTION 102.** 48.365 (2m) (ad) 2. of the statutes is repealed.

22 **SECTION 103.** 48.365 (2m) (ag) of the statutes is amended to read:

23 48.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,  
24 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under  
25 ~~par. (ad) 2. or~~ sub. (2) an opportunity to be heard at the hearing by permitting the

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1 foster parent, treatment foster parent, or other physical custodian to make a written  
2 or oral statement during the hearing, or to submit a written statement prior to the  
3 hearing, relevant to the issue of extension. A foster parent, treatment foster parent,  
4 or other physical custodian ~~described in s. 48.62 (2)~~ who receives notice of a hearing  
5 under ~~par. (a) 2.~~ or sub. (2) and an opportunity to be heard under this paragraph  
6 does not become a party to the proceeding on which the hearing is held solely on the  
7 basis of receiving that notice and having the opportunity to be heard.

8 **SECTION 104.** 48.38 (4) (i) of the statutes is created to read:

9 48.38 (4) (i) If the child is an Indian child, all of the following:

10 1. The name, address, and telephone number of the Indian child's Indian  
11 custodian and tribe.

12 2. A description of the remedial services and rehabilitation programs offered  
13 under s. 48.028 (4) (d) 2. in an effort to prevent the breakup of the Indian family.

14 3. A statement as to whether the Indian child's placement is in compliance with  
15 the order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028  
16 (7) (c) and, if the placement is not in compliance with that order, a statement as to  
17 whether there is good cause, as described in s. 48.028 (7) (e), for departing from that  
18 order.

19 **SECTION 105.** 48.38 (4m) of the statutes is created to read:

20 48.38 (4m) PERMANENCY PLAN DETERMINATION HEARING. (a) If in a proceeding  
21 under s. 48.21, 48.32, 48.355, 48.357, or 48.365 the court finds that any of the  
22 circumstances under s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the  
23 court shall hold a hearing within 30 days after the date of that finding to determine  
24 the permanency plan for the child. If a hearing is held under this paragraph, the

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1 agency responsible for preparing the permanency plan shall file the permanency  
2 plan with the court not less than 5 days before the hearing.

3 (b) At least 10 days before the hearing the court shall notify the child, any  
4 parent, guardian, and legal custodian of the child, any foster parent, treatment foster  
5 parent, or other physical custodian described in s. 48.62 (2) of the child and, if the  
6 child is an Indian child, the Indian child's Indian custodian and tribe of the time,  
7 place, and purpose of the hearing.

8 (c) If the court knows or has reason to know that the child is an Indian child,  
9 notice under par. (b) to the Indian child's parent, Indian custodian, and tribe shall  
10 be provided in the manner specified in s. 48.028 (4) (a). No hearing may be held under  
11 par. (a) until at least 10 days after receipt of the notice by the Indian child's parent,  
12 Indian custodian, and tribe or until at least 25 days after receipt of the notice by the  
13 U.S. secretary of the interior. On request of the Indian child's parent, Indian  
14 custodian, or tribe, the court shall grant a continuance of up to 20 additional days  
15 to enable the requester to prepare for the hearing.

16 (d) The court shall give a foster parent, treatment foster parent, or other  
17 physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (b)  
18 an opportunity to be heard at the hearing by permitting the foster parent, treatment  
19 foster parent, or other physical custodian to make a written or oral statement during  
20 the hearing, or to submit a written statement prior to the hearing, relevant to the  
21 issues to be determined at the hearing. The foster parent, treatment foster parent,  
22 or other physical custodian does not become a party to the proceeding on which the  
23 hearing is held solely on the basis of receiving that notice and having the opportunity  
24 to be heard.

25 **SECTION 106.** 48.38 (5) (b) of the statutes is amended to read:

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1           48.38 (5) (b) The court or the agency shall notify ~~the parents of the child, the~~  
2           child, if he or she is 12 years of age or older, ~~and; the child's parent, guardian, and~~  
3           legal custodian; the child's foster parent, the child's treatment foster parent, the  
4           operator of the facility in which the child is living, or the relative with whom the child  
5           is living; ~~and, if the child is an Indian child, the Indian child's Indian custodian and~~  
6           tribe of the date, time, and place of the review, of the issues to be determined as part  
7           of the review, and of the fact that they may have an opportunity to be heard at the  
8           review by submitting written comments not less than 10 working days before the  
9           review or by participating at the review. The court or agency shall notify the person  
10          representing the interests of the public, the child's counsel, the child's guardian ad  
11          litem, and the child's court-appointed special advocate of the date of the review, of  
12          the issues to be determined as part of the review, and of the fact that they may submit  
13          written comments not less than 10 working days before the review. The notices  
14          under this paragraph shall be provided in writing not less than 30 days before the  
15          review and copies of the notices shall be filed in the child's case record.

16           **SECTION 107.** 48.38 (5) (bm) of the statutes is created to read:

17           48.38 (5) (bm) If the child is an Indian child, notice under par. (b) to the Indian  
18          child's parent, Indian custodian, and tribe shall be provided in the manner specified  
19          in s. 48.028 (4) (a). No review may be held until at least 10 days after receipt of the  
20          notice by the Indian child's parent, Indian custodian, and tribe or until at least 25  
21          days after receipt of the notice by the U.S. secretary of the interior. On request of the  
22          Indian child's parent, Indian custodian, or tribe, the court shall grant a continuance  
23          of up to 20 additional days to enable the requester to prepare for the review.

24           **SECTION 108.** 48.38 (5) (c) 8. of the statutes is created to read:

**BILL****SECTION 108**

1           48.38 (5) (c) 8. If the child is an Indian child, whether active efforts under s.  
2           48.028 (4) (d) 2. were made by the agency to prevent the breakup of the Indian family,  
3           whether those efforts have proved unsuccessful, whether the Indian child's  
4           placement is in compliance with the order of placement preference under s. 48.028  
5           (7) (b) or, if applicable, s. 48.028 (7) (c), and, if the placement is not in compliance with  
6           that order, whether there is good cause, as described in s. 48.028 (7) (e), for departing  
7           from that order.

8           **SECTION 109.** 48.38 (5) (d) of the statutes is amended to read:

9           48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the  
10          permanency plan shall, at least 5 days before a review by a review panel, provide to  
11          each person appointed to the review panel, the child's parent, guardian, and legal  
12          custodian, the person representing the interests of the public, the child's counsel, the  
13          child's guardian ad litem ~~and~~, the child's court-appointed special advocate, and, if  
14          the child is an Indian child, the Indian child's Indian custodian and tribe a copy of  
15          the permanency plan and any written comments submitted under par. (b).  
16          Notwithstanding s. 48.78 (2) (a), a person appointed to a review panel, the person  
17          representing the interests of the public, the child's counsel, the child's guardian ad  
18          litem ~~and~~, the child's court-appointed special advocate, and, if the child is an Indian  
19          child, the Indian child's Indian custodian and tribe may have access to any other  
20          records concerning the child for the purpose of participating in the review. A person  
21          permitted access to a child's records under this paragraph may not disclose any  
22          information from the records to any other person.

23          **SECTION 110.** 48.38 (5) (e) of the statutes is amended to read:

24          48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of  
25          the determinations under par. (c) and shall provide a copy to the court that entered

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1 the order; the child or the child's counsel or guardian ad litem; the person  
2 representing the interests of the public; the child's parent ~~or~~, guardian, or legal  
3 custodian; the child's court-appointed special advocate ~~and~~; the child's foster parent,  
4 the child's treatment foster parent, or the operator of the facility where the child is  
5 living; and, if the child is an Indian child, the Indian child's Indian custodian and  
6 tribe.

7 **SECTION 111.** 48.38 (5m) (b) of the statutes is amended to read:

8 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court  
9 shall notify the child; the child's parent, guardian, and legal custodian; the child's  
10 foster parent or treatment foster parent, the operator of the facility in which the child  
11 is living, or the relative with whom the child is living; the child's counsel, the child's  
12 guardian ad litem, and the child's court-appointed special advocate; the agency that  
13 prepared the permanency plan; ~~and~~ the person representing the interests of the  
14 public; and, if the child is an Indian child, the Indian child's Indian custodian and  
15 tribe of the date, time, and place of the hearing.

16 **SECTION 112.** 48.38 (5m) (bm) of the statutes is created to read:

17 48.38 (5m) (bm) If the child is an Indian child, notice under par. (b) to the Indian  
18 child's parent, Indian custodian, and tribe shall be provided in the manner specified  
19 in s. 48.028 (4) (a). No hearing under par. (a) may be held until at least 10 days after  
20 receipt of the notice by the Indian child's parent, Indian custodian, and tribe or until  
21 at least 25 days after receipt of the notice by the U.S. secretary of the interior. On  
22 request of the Indian child's parent, Indian custodian, or tribe, the court shall grant  
23 a continuance of up to 20 additional days to enable the requester to prepare for the  
24 hearing.

25 **SECTION 113.** 48.38 (5m) (d) of the statutes is amended to read:

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1           48.38 (5m) (d) At least 5 days before the date of the hearing the agency that  
2 prepared the permanency plan shall provide a copy of the permanency plan and any  
3 written comments submitted under par. (c) to the court, to the child's parent,  
4 guardian, and legal custodian, to the person representing the interests of the public,  
5 to the child's counsel or guardian ad litem, ~~and~~ to the child's court-appointed special  
6 advocate, and, if the child is an Indian child, to the Indian child's Indian custodian  
7 and tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of  
8 the public, the child's counsel or guardian ad litem, ~~and~~ the child's court-appointed  
9 special advocate, and, if the child is an Indian child, the Indian child's Indian  
10 custodian and tribe may have access to any other records concerning the child for the  
11 purpose of participating in the review. A person permitted access to a child's records  
12 under this paragraph may not disclose any information from the records to any other  
13 person.

14           **SECTION 114.** 48.38 (5m) (e) of the statutes is amended to read:

15           48.38 (5m) (e) After the hearing, the court shall make written findings of fact  
16 and conclusions of law relating to the determinations under sub. (5) (c) and shall  
17 provide a copy of those findings of fact and conclusions of law to the child; the child's  
18 parent, guardian, and legal custodian; the child's foster parent or treatment foster  
19 parent, the operator of the facility in which the child is living, or the relative with  
20 whom the child is living; the child's court-appointed special advocate; the agency  
21 that prepared the permanency plan; ~~and~~ the person representing the interests of the  
22 public; and, if the child is an Indian child, the Indian child's Indian custodian and  
23 tribe. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case  
24 basis based on circumstances specific to the child and shall document or reference  
25 the specific information on which those findings are based in the findings of fact and



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1 conclusions of law prepared under this paragraph. Findings of fact and conclusions  
2 of law that merely reference sub. (5) (c) 7. without documenting or referencing that  
3 specific information in the findings of fact and conclusions of law or amended  
4 findings of fact and conclusions of law that retroactively correct earlier findings of  
5 fact and conclusions of law that do not comply with this paragraph are not sufficient  
6 to comply with this paragraph.

7 **SECTION 115.** 48.41 (2) (e) of the statutes is created to read:

8 48.41 (2) (e) In the case of an Indian child, the consent is given as provided in  
9 s. 48.028 (5) (b).

10 **SECTION 116.** 48.415 (intro.) of the statutes is amended to read:

11 **48.415 Grounds for involuntary termination of parental rights.** (intro.)

12 At the fact-finding hearing the court or jury may make a finding that shall determine  
13 whether grounds exist for the termination of parental rights. If services for the child  
14 and family or for the unborn child and expectant mother have been ordered by the  
15 court, the court or jury shall also determine whether the agency responsible for the  
16 care of the child and family or of the unborn child and expectant mother has made  
17 an earnest and conscientious effort to take good faith steps to provide those services  
18 that takes into consideration the characteristics of the parent or child or of the  
19 expectant mother or child, the level of cooperation of the parent or expectant mother,  
20 and other relevant circumstances of the case. If the child is an Indian child, the court  
21 or jury shall also determine whether continued custody of the Indian child by the  
22 Indian child's parent or Indian custodian is likely to result in serious emotional or  
23 physical damage to the Indian child under s. 48.028 (4) (e) 1. and whether the agency  
24 has made active efforts under s. 48.028 (4) (e) 2. to prevent the breakup of the Indian

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1 family and that those efforts have proved unsuccessful. Grounds for termination of  
2 parental rights shall be one of the following:

3 **SECTION 117.** 48.415 (2) (a) 2. of the statutes is repealed.

4 **SECTION 118.** 48.417 (2) (cm) of the statutes is created to read:

5 48.417 (2) (cm) In the case of an Indian child, the agency primarily responsible  
6 for providing services to the Indian child and the family under a court order, if  
7 required under s. 48.355 (2) (b) 6v. to make active efforts under s. 48.028 (4) (d) 2. to  
8 prevent the breakup of the Indian family, has not provided to the Indian child's  
9 family, consistent with the time period in the child's permanency plan, the services  
10 necessary to prevent the breakup of the Indian family.

11 **SECTION 119.** 48.42 (1) (d) of the statutes is amended to read:

12 48.42 (1) (d) A statement of whether the child may be subject to the federal  
13 ~~Indian child welfare act~~ Child Welfare Act, 25 USC 1911 to 1963, and, if the child may  
14 be subject to that act, the names of the child's Indian custodian, if any, and tribe, if  
15 known.

16 **SECTION 120.** 48.42 (1) (e) of the statutes is created to read:

17 48.42 (1) (e) If services for the child and family or for the unborn child and  
18 expectant mother have been ordered by the court, reliable and credible evidence  
19 showing that the agency responsible for the care of the child and family or of the  
20 unborn child and expectant mother has made an earnest and conscientious effort to  
21 take good faith steps to provide those services that takes into consideration the  
22 characteristics of the parent or child or of the expectant mother or child, the level of  
23 cooperation of the parent or expectant mother, and other relevant circumstances of  
24 the case.

25 **SECTION 121.** 48.42 (1) (f) of the statutes is created to read:

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1           48.42 (1) (f) If the child is an Indian child, reliable and credible information  
2           showing that continued custody of the Indian child by the Indian child's parent or  
3           Indian custodian is likely to result in serious emotional or physical damage to the  
4           Indian child under s. 48.028 (4) (e) 1. and reliable and credible information showing  
5           that the agency has made active efforts under s. 48.028 (4) (e) 2. to prevent the  
6           breakup of the Indian family and that those efforts have proved unsuccessful.

7           **SECTION 122.** 48.42 (2) (c) of the statutes is amended to read:

8           48.42 (2) (c) The guardian, guardian ad litem ~~and, legal custodian, and Indian~~  
9           custodian of the child.

10          **SECTION 123.** 48.42 (2g) (ag) of the statutes is created to read:

11          48.42 (2g) (ag) If the petitioner knows or has reason to know that the child is  
12          an Indian child, the petitioner shall cause the summons and petition to be served on  
13          the Indian child's parent and Indian custodian in the manner specified in s. 48.028  
14          (4) (a). In like manner, the petitioner shall also notify the Indian child's tribe of all  
15          hearings on the petition. The first notice to an Indian child's tribe shall be written,  
16          shall have a copy of the petition attached to it, and shall state the nature, location,  
17          date, and time of the initial hearing. No hearing may be held on the petition until  
18          at least 10 days after receipt of notice of the hearing by the Indian child's parent,  
19          Indian custodian, and tribe or until at least 25 days after receipt of the notice by the  
20          U.S. secretary of the interior. On request of the Indian child's parent, Indian  
21          custodian, or tribe, the court shall grant a continuance of up to 20 additional days  
22          to enable the requester to prepare for the hearing.

23          **SECTION 124.** 48.42 (4) (a) of the statutes is amended to read:

24          48.42 (4) (a) *Personal service.* Except as provided in this paragraph ~~and, par.~~  
25          (b), and sub. (2g) (ag), a copy of the summons and petition shall be served personally

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1 upon the parties specified in sub. (2), if known, at least 7 days before the date of the  
2 hearing. Service of summons is not required if the party submits to the jurisdiction  
3 of the court. Service upon parties who are not natural persons and upon persons  
4 under a disability shall be as prescribed in s. 801.11.

5 **SECTION 125.** 48.422 (1) of the statutes is amended to read:

6 48.422 (1) The Except as provided in s. 48.42 (2g) (ag), the hearing on the  
7 petition to terminate parental rights shall be held within 30 days after the petition  
8 is filed. At the hearing on the petition to terminate parental rights the court shall  
9 determine whether any party wishes to contest the petition and inform the parties  
10 of their rights under sub. (4) and s. 48.423.

11 **SECTION 126.** 48.422 (2) of the statutes is amended to read:

12 48.422 (2) If Except as provided in s. 48.42 (2g) (ag), if the petition is contested  
13 the court shall set a date for a fact-finding hearing to be held within 45 days of after  
14 the hearing on the petition, unless all of the necessary parties agree to commence  
15 with the hearing on the merits immediately.

16 **SECTION 127.** 48.422 (6) (a) of the statutes is amended to read:

17 48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose  
18 parents do not subsequently intermarry under s. 767.803 and for whom paternity  
19 has not been established, or for whom a declaration of paternal interest has not been  
20 filed under s. 48.025 within 14 days after the date of birth of the child or, if s. 48.42  
21 (1g) (b) applies, within 21 days after the date on which the notice under s. 48.42 (1g)  
22 (b) is mailed, the court shall hear testimony concerning the paternity of the child.  
23 Based on the testimony, the court shall determine whether all interested parties who  
24 are known have been notified under s. 48.42 (2) and (2g) (ag). If not, the court shall  
25 adjourn the hearing and order appropriate notice to be given.

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1       **SECTION 128.** 48.422 (8) of the statutes is amended to read:

2       48.422 (8) If the petition for termination of parental rights is filed by an agency  
3       enumerated in s. 48.069 (1) or (2), the court shall order the agency to ~~submit~~ file a  
4       report ~~to~~ with the court as provided in s. 48.425 (1), ~~except that, if the child is an~~  
5       Indian child, the court may order the agency or request the tribal child welfare  
6       department of the Indian child's tribe to file that report.

7       **SECTION 129.** 48.423 (1) of the statutes is amended to read:

8       **48.423 (1) RIGHTS TO PATERNITY DETERMINATION.** If a person appears at the  
9       hearing and claims that he is the father of the child, the court shall set a date for a  
10      hearing on the issue of paternity ~~or, if.~~ If the child is an Indian child or if it appears  
11      to the court that the determination of paternity may result in a finding that the child  
12      is an Indian child, the court shall cause notice of the hearing on the issue of paternity  
13      to be provided to the Indian child's parent, Indian custodian, and tribe under s. 48.42  
14      (2g) (ag), and the hearing may not be held until at least 10 days after receipt of notice  
15      under s. 48.42 (2g) (ag) by the Indian child's parent, Indian custodian, and tribe or  
16      until at least 25 days after receipt of the notice by the U.S. secretary of the interior.  
17      On request of the Indian child's parent, Indian custodian, or tribe, the court shall  
18      grant a continuance of up to 20 additional days to enable the requester to prepare  
19      for the hearing. If all parties agree, the court may immediately commence hearing  
20      testimony concerning the issue of paternity. The court shall inform the person  
21      claiming to be the father of the child of any right to counsel under s. 48.23. The person  
22      claiming to be the father of the child must prove paternity by clear and convincing  
23      evidence. A person who establishes his paternity of the child under this section may  
24      further participate in the termination of parental rights proceeding only if the person

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1 meets the conditions specified in sub. (2) or meets a condition specified in s. 48.42 (2)  
2 or (b) or (bm).

3 **SECTION 130.** 48.424 (1) of the statutes is renumbered 48.424 (1) (intro.) and  
4 amended to read:

5 48.424 (1) The purpose of the fact-finding hearing is to determine whether  
6 ~~grounds exist for the termination of parental rights in those cases where the~~  
7 ~~termination in cases in which the petition~~ was contested at the hearing on the  
8 petition under s. 48.422 all of the following:

9 (a) Whether grounds exist for the termination of parental rights.

10 **SECTION 131.** 48.424 (1) (b) of the statutes is created to read:

11 48.424 (1) (b) Whether the allegations specified in s. 48.42 (1) (e) have been  
12 proved in cases in which services have been ordered by the court.

13 **SECTION 132.** 48.424 (1) (c) of the statutes is created to read:

14 48.424 (1) (c) Whether the allegations specified in s. 48.42 (1) (f) have been  
15 proved in cases in which the child is an Indian child.

16 **SECTION 133.** 48.424 (2) (intro.) of the statutes is amended to read:

17 48.424 (2) (intro.) The fact-finding hearing shall be conducted according to the  
18 procedure specified in s. 48.31 except that as follows:

19 **SECTION 134.** 48.424 (2) (a) of the statutes is amended to read:

20 48.424 (2) (a) The court may exclude the child from the hearing; ~~and,~~

21 **SECTION 135.** 48.424 (3) of the statutes is amended to read:

22 48.424 (3) If the facts are determined by a jury, the jury may only decide  
23 whether any grounds for the termination of parental rights have been ~~proven~~ proved,  
24 whether the allegations specified in s. 48.42 (1) (e) have been proved in cases in which  
25 services have been ordered by the court, and whether the allegations specified in s.

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1 48.42 (1) (f) have been proved in cases in which the child is an Indian child. The court  
2 shall decide what disposition is in the best interest of the child.

3 **SECTION 136.** 48.424 (4) (intro.) of the statutes is amended to read:

4 48.424 (4) (intro.) If grounds for the termination of parental rights are found  
5 by the court or jury, the court shall find the parent unfit. A finding of unfitness shall  
6 not preclude a dismissal of a petition under s. 48.427 (2). The court shall then proceed  
7 immediately to hear evidence and motions related to the dispositions enumerated in  
8 s. 48.427. The Except as provided in s. 48.42 (2g) (ag), the court may delay making  
9 the disposition and set a date for a dispositional hearing no later than 45 days after  
10 the fact-finding hearing if any of the following apply:

11 **SECTION 137.** 48.424 (4) (a) of the statutes is amended to read:

12 48.424 (4) (a) All parties to the proceeding agree; ~~or,~~

13 **SECTION 138.** 48.424 (4) (b) of the statutes is amended to read:

14 48.424 (4) (b) The court has not yet received a report to the court on the history  
15 of the child as provided in s. 48.425 ~~from an agency enumerated in s. 48.069 (1) or~~  
16 ~~(2) and the court now directs the agency to prepare this report to be considered orders~~  
17 an agency enumerated in s. 48.069 (1) or (2) to file that report with the court, or, in  
18 the case of an Indian child, now orders that agency or requests the tribal child welfare  
19 department of the Indian child's tribe to file such a report, before the court makes the  
20 disposition on the petition.

21 **SECTION 139.** 48.424 (5) of the statutes is amended to read:

22 48.424 (5) If the court delays making a permanent disposition under sub. (4),  
23 it may transfer temporary custody of the child to an agency for placement of the child  
24 until the dispositional hearing. Placement of an Indian child under this subsection  
25 shall comply with the order of placement preference under s. 48.028 (7) (b) or, if

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1 applicable, s. 48.028 (7) (c), unless the agency finds good cause, as described in s.  
2 48.028 (7) (e), for departing from that order.

3 **SECTION 140.** 48.425 (1) (intro.) of the statutes is amended to read:

4 48.425 (1) (intro.) ~~If the petition for the termination of parental rights is filed~~  
5 ~~by an agency, or if the court orders an agency enumerated under s. 48.069 (1) or (2)~~  
6 ~~to file a report under s. 48.422 (8) or 48.424 (4) (b) or requests the tribal child welfare~~  
7 ~~department of an Indian child's tribe to file such a report, the agency or tribal child~~  
8 ~~welfare department, if that department consents,~~ shall file a report with the court  
9 which shall include:

10 **SECTION 141.** 48.425 (1) (cm) of the statutes is created to read:

11 48.425 (1) (cm) If the child is an Indian child, specific information showing that  
12 continued custody of the child by the parent or Indian custodian is likely to result in  
13 serious emotional or physical damage to the child under s. 48.028 (4) (e) 1. and, if the  
14 Indian child has previously been adjudged to be in need of protection or services,  
15 specific information showing that the agency or person responsible for providing  
16 services to the Indian child and his or her family has made active efforts under s.  
17 48.028 (4) (e) 2. to prevent the breakup of the Indian family and that those efforts  
18 have proved unsuccessful.

19 **SECTION 142.** 48.427 (5) of the statutes is created to read:

20 48.427 (5) (cm) In placing an Indian child in a preadoptive placement following  
21 a transfer of guardianship and custody under sub. (3m) or (3p) or in placing an Indian  
22 child in sustaining care under sub. (4), the court or an agency specified in sub. (3m)  
23 (a) 1. to 4. or (am) shall comply with the order of placement preference under s. 48.028  
24 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court or agency finds good cause,  
25 as described in s. 48.028 (7) (e), for departing from that order.



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1       **SECTION 143.** 48.427 (6) (b) 4. of the statutes is created to read:

2       48.427 (6) (b) 4. If the child is or may be an Indian child, information relating  
3 to the child's membership or eligibility for membership in an Indian tribe.

4       **SECTION 144.** 48.428 (2) (a) of the statutes is amended to read:

5       48.428 (2) (a) Except as provided in par. (b), when a court places a child in  
6 sustaining care after an order under s. 48.427 (4), the court shall transfer legal  
7 custody of the child to the county department, the department, in a county having  
8 a population of 500,000 or more, or a licensed child welfare agency, transfer  
9 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and  
10 place the child in the home of a licensed foster parent, licensed treatment foster  
11 parent, or kinship care relative with whom the child has resided for 6 months or  
12 longer. In placing an Indian child in sustaining care, the court shall comply with the  
13 order of placement preference under s. 48.028 (7) (b) or, if applicable, s. 48.028 (7) (c),  
14 unless the court finds good cause, as described in s. 48.028 (7) (e), for departing from  
15 that order. Pursuant to such a placement, ~~this~~ that licensed foster parent, licensed  
16 treatment foster parent, or kinship care relative shall be a sustaining parent with  
17 the powers and duties specified in sub. (3).

18       **SECTION 145.** 48.428 (2) (b) of the statutes is amended to read:

19       48.428 (2) (b) When a court places a child in sustaining care after an order  
20 under s. 48.427 (4) with a person who has been appointed as the guardian of the child  
21 under s. 48.977 (2), the court may transfer legal custody of the child to the county  
22 department, the department, in a county having a population of 500,000 or more, or  
23 a licensed child welfare agency, transfer guardianship of the child to an agency listed  
24 in s. 48.427 (3m) (a) 1. to 4. or (am), and place the child in the home of a licensed foster  
25 parent, licensed treatment foster parent, or kinship care relative with whom the

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1 child has resided for 6 months or longer. In placing an Indian child in sustaining  
2 care, the court shall comply with the order of placement preference under s. 48.028  
3 (7) (b) or, if applicable, s. 48.028 (7) (c), unless the court finds good cause, as described  
4 in s. 48.028 (7) (e), for departing from that order. Pursuant to such a placement, that  
5 licensed foster parent, licensed treatment foster parent, or kinship care relative shall  
6 be a sustaining parent with the powers and duties specified in sub. (3). If the court  
7 transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4.  
8 or (am), the court shall terminate the guardianship under s. 48.977.

9 **SECTION 146.** 48.43 (5) (bm) of the statutes is created to read:

10 48.43 (5) (bm) If the child is an Indian child, the court shall also provide notice  
11 of the hearing under par. (b) to the Indian child's tribe in the manner specified in s.  
12 48.028 (4) (a). No hearing may be held under par. (b) until at least 10 days after  
13 receipt of notice of the hearing by the Indian child's tribe or until at least 25 days after  
14 receipt of notice of the hearing by the U.S. secretary of the interior. On request of the  
15 Indian child's tribe, the court shall grant a continuance of up to 20 additional days  
16 to enable the tribe to prepare for the hearing.

17 **SECTION 147.** 48.43 (5) (c) of the statutes is amended to read:

18 48.43 (5) (c) Following the hearing, the court shall make all of the  
19 determinations specified under s. 48.38 (5) (c), except the determinations relating to  
20 the child's parents. The court may amend the order under sub. (1) to transfer the  
21 child's guardianship and custody to any agency specified under s. 48.427 (3m) (a) 1.  
22 to 4. or (am) that consents to the transfer, if the court determines that the transfer  
23 is in the child's best interest. If an Indian child's guardianship and custody are  
24 transferred under this paragraph, the agency consenting to the transfer shall comply  
25 with the order of placement preference under s. 48.028 (7) (b) or, if applicable, s.

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1 48.028 (7) (c) in placing the child, unless the agency finds good cause, as described  
2 in s. 48.028 (7) (e), for departing from that order. If an order is amended, the agency  
3 that prepared the permanency plan shall revise the plan to conform to the order and  
4 shall file a copy of the revised plan with the court. Each plan filed under this  
5 paragraph shall be made a part of the court order.

6 **SECTION 148.** 48.43 (5m) of the statutes is amended to read:

7 48.43 (5m) Either the court or the agency that prepared the permanency plan  
8 shall furnish a copy of the original plan and each revised plan to the child, if he or  
9 she is 12 years of age or over, and to the child's foster parent, the child's treatment  
10 foster parent, or the operator of the facility in which the child is living, and, if the  
11 child is an Indian child, to the Indian child's tribe.

12 **SECTION 149.** 48.43 (6) (a) of the statutes is amended to read:

13 48.43 (6) (a) Judgments under this subchapter terminating parental rights are  
14 final and are appealable under s. 808.03 (1) according to the procedure specified in  
15 s. 809.107 and are subject to a petition for rehearing or a motion for relief only as  
16 provided in s. 48.46 (1m) and (2) and, in the case of an Indian child, s. 48.028 (5) (c)  
17 and (6). The attorney representing a person during a proceeding under this  
18 subchapter shall continue representation of that person by filing a notice of intent  
19 to appeal under s. 809.107 (2), unless the attorney has been previously discharged  
20 during the proceeding by the person or by the trial court.

21 **SECTION 150.** 48.43 (6) (c) of the statutes is amended to read:

22 48.43 (6) (c) In Except as provided in s. 48.028 (5) (c) and (6), in no event may  
23 any person, for any reason, collaterally attack a judgment terminating parental  
24 rights more than one year after the date on which the time limit for filing an appeal

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1 from the judgment has expired, or more than one year after the date on which all  
2 appeals from the judgment, if any were filed, have been decided, whichever is later.

3 **SECTION 151.** 48.46 (2) of the statutes is amended to read:

4 48.46 (2) A parent who has consented to the termination of his or her parental  
5 rights under s. 48.41 or who did not contest the petition initiating the proceeding in  
6 which his or her parental rights were terminated may move the court for relief from  
7 the judgment on any of the grounds specified in s. 806.07 (1) (a), (b), (c), (d) or (f). Any  
8 such motion shall be filed within 30 days after the entry of the judgment or order  
9 terminating parental rights, unless the parent files a timely notice of intent to  
10 pursue relief from the judgment under s. 808.04 (7m), in which case the motion shall  
11 be filed within the time permitted by s. 809.107 (5). A motion under this subsection  
12 does not affect the finality or suspend the operation of the judgment or order  
13 terminating parental rights. Motions under this subsection or s. 48.028 (5) (c) or (6)  
14 and appeals to the court of appeals shall be the exclusive remedies for such a parent  
15 to obtain a new hearing in a termination of parental rights proceeding.

16 **SECTION 152.** 48.48 (3m) (intro.) of the statutes is amended to read:

17 48.48 (3m) (intro.) To accept appointment by ~~an American Indian~~ a tribal court  
18 in this state as guardian of a child for the purpose of making an adoptive placement  
19 for the child if all of the following conditions exist:

20 **SECTION 153.** 48.48 (8m) of the statutes is amended to read:

21 48.48 (8m) To enter into agreements with ~~American Indian~~ tribes in this state  
22 to implement the ~~Indian child welfare act~~ federal Indian Child Welfare Act, 25 USC  
23 1911 to 1963.

24 **SECTION 154.** 48.485 of the statutes is amended to read:

**BILL****48.485 Transfer of ~~tribal~~ Indian children to department for adoption.**

If the department accepts guardianship or legal custody or both from ~~an American Indian~~ a tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive placement for the child. If a permanent adoptive placement is not in progress within 2 years after entry of the termination of parental rights order by the tribal court, the department may petition the tribal court to transfer legal custody or guardianship of the Indian child back to the Indian tribe, except that the department may not petition the tribal court to transfer back to ~~a~~ an Indian tribe legal custody or guardianship of ~~a~~ an Indian child who was initially taken into custody under s. 48.195 (1).

**SECTION 155.** 48.487 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

**48.487 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES.** From the allocation under sub. (1m), the department may provide a grant annually in the amount of \$85,000 to the elected governing body of ~~a federally recognized American~~ an Indian tribe ~~or band~~ to provide services for adolescent parents which shall emphasize high school graduation and vocational preparation, training, and experience and may be structured so as to strengthen the adolescent parent's capacity to fulfill parental responsibilities by developing social skills and increasing parenting skills. The Indian tribe ~~or band~~ seeking to receive a grant to provide these services shall develop a proposed service plan that is approved by the department.

**SECTION 156.** 48.487 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

**48.487 (3) (b)** From the allocation under sub. (1m), the department may provide a grant annually in the amount of \$65,000 to the elected governing body of ~~a federally~~

**BILL****SECTION 156**

1 ~~recognized American~~ an Indian tribe ~~or band~~ to provide to high-risk adolescents  
2 pregnancy and parenthood prevention services which shall be structured so as to  
3 increase development of decision-making and communications skills, promote  
4 graduation from high school, and expand career and other options and which may  
5 address needs of adolescents with respect to pregnancy prevention.

6 **SECTION 157.** 48.487 (4m) (b) (intro.) of the statutes, as affected by 2007  
7 Wisconsin Act 20, is amended to read:

8 48.487 (4m) (b) (intro.) From the allocation under sub. (1m), the department  
9 may provide a grant annually in the amount of \$60,000 to the elected governing body  
10 of ~~a federally recognized American~~ an Indian tribe ~~or band~~ for the provision of  
11 information to members of the Indian tribe ~~or band~~ in order to increase community  
12 knowledge about problems of adolescents and information to and activities for  
13 adolescents, particularly female adolescents, in order to enable the adolescents to  
14 develop skills with respect to all of the following:

15 **SECTION 158.** 48.487 (4m) (c) of the statutes, as affected by 2007 Wisconsin Act  
16 20, is amended to read:

17 48.487 (4m) (c) Each funded tribal project under par. (b) shall provide services  
18 in areas of the state as approved by the Indian tribe ~~or band~~ and the department.  
19 The department shall determine the boundaries of the regional areas prior to  
20 soliciting project grant applications.

21 **SECTION 159.** 48.487 (4m) (d) of the statutes, as affected by 2007 Wisconsin Act  
22 20, is amended to read:

23 48.487 (4m) (d) Prior to making grants to applying Indian tribes ~~or bands~~  
24 under par. (b), the department shall consider whether and how the applying Indian

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1     tribe ~~or band~~ proposes to coordinate its services with other public or private  
2     resources, programs, or activities in the region and the state.

3           **SECTION 160.** 48.563 (3) of the statutes, as affected by 2007 Wisconsin Act 20,  
4     is amended to read:

5           48.563 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the  
6     department shall distribute not more than \$412,800 in each fiscal year from the  
7     appropriation account under s. 20.437 (1) (b) to ~~federally recognized American~~  
8     Indian tribes ~~or bands~~. ~~A tribe or band~~. An Indian tribe that receives funding under  
9     this subsection shall use that funding to provide child care for an eligible child, as  
10    defined in 42 USC 9858n (4).

11          **SECTION 161.** 48.565 (intro.) of the statutes, as created by 2007 Wisconsin Act  
12    20, is amended to read:

13          **48.565 Carry-over of children and family aids funds.** (intro.) Funds  
14    allocated by the department under s. 48.569 (1) (d) but not spent or encumbered by  
15    counties, governing bodies of ~~federally recognized American~~ Indian tribes, or private  
16    nonprofit organizations by December 31 of each year and funds recovered under s.  
17    48.569 (2) (b) and deposited into the appropriation account under s. 20.437 (1) (b)  
18    lapse to the general fund on the succeeding January 1 unless carried forward to the  
19    next calendar year under s. 20.437 (1) (b) or as follows:

20          **SECTION 162.** 48.57 (3p) (h) 2. of the statutes, as affected by 2007 Wisconsin Act  
21    20, is amended to read:

22          48.57 (3p) (h) 2. The request for review shall be filed with the director of the  
23    county department or, in a county having a population of 500,000 or more, with the  
24    person designated by the secretary to receive requests for review filed under this  
25    subdivision. If the governing body of ~~a federally recognized American~~ an Indian

**BILL****SECTION 162**

1 tribe ~~or band~~ has entered into an agreement under sub. (3t) to administer the  
2 program under this subsection and sub. (3m), the request for review shall be filed  
3 with the person designated by that governing body to receive requests for review filed  
4 under this subdivision.

5 **SECTION 163.** 48.57 (3p) (h) 3. (intro.) of the statutes, as affected by 2007  
6 Wisconsin Act 20, is amended to read:

7 48.57 (3p) (h) 3. (intro.) The director of the county department, the person  
8 designated by the governing body of ~~a federally recognized American~~ an Indian tribe  
9 ~~or band~~ or, in a county having a population of 500,000 or more, the person designated  
10 by the secretary shall review the denial of payments or the prohibition on  
11 employment or being an adult resident to determine if the conviction record on which  
12 the denial or prohibition is based includes any arrests, convictions, or penalties that  
13 are likely to adversely affect the child or the ability of the kinship care relative to care  
14 for the child. In reviewing the denial or prohibition, the director of the county  
15 department, the person designated by the governing body of the ~~federally recognized~~  
16 ~~American~~ Indian tribe ~~or band~~ or the person designated by the secretary shall  
17 consider all of the following factors:

18 **SECTION 164.** 48.57 (3p) (h) 4. of the statutes, as affected by 2007 Wisconsin Act  
19 20, is amended to read:

20 48.57 (3p) (h) 4. If the director of the county department, the person designated  
21 by the governing body of the ~~federally recognized American~~ Indian tribe ~~or band~~ or,  
22 in a county having a population of 500,000 or more, the person designated by the  
23 secretary determines that the conviction record on which the denial of payments or  
24 the prohibition on employment or being an adult resident is based does not include  
25 any arrests, convictions, or penalties that are likely to adversely affect the child or



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1 the ability of the kinship care relative to care for the child, the director of the county  
2 department, the person designated by the governing body of the ~~federally recognized~~  
3 ~~American~~ Indian tribe ~~or band~~, or the person designated by the secretary may  
4 approve the making of payments under sub. (3m) or may permit a person receiving  
5 payments under sub. (3m) to employ a person in a position in which that person  
6 would have regular contact with the child for whom payments are being made or  
7 permit a person to be an adult resident.

8 **SECTION 165.** 48.57 (3t) of the statutes is amended to read:

9 48.57 (3t) Notwithstanding subs. (3m), (3n), and (3p), the department may  
10 enter into an agreement with the governing body of ~~a federally recognized American~~  
11 ~~an~~ Indian tribe ~~or band~~ to allow that governing body to administer the program  
12 under subs. (3m), (3n), and (3p) within the boundaries of ~~that~~ the reservation of the  
13 Indian tribe. Any agreement under this subsection relating to the administration  
14 of the program under sub. (3m) shall specify the person with whom a request for  
15 review under sub. (3p) (h) 2. may be filed and the person who has been designated  
16 by the governing body to conduct the review under sub. (3p) (h) 3. and make the  
17 determination under sub. (3p) (h) 4. Any agreement under this subsection relating  
18 to the administration of the program under sub. (3n) shall specify who is to make any  
19 determination as to whether a conviction record is satisfactory.

20 **SECTION 166.** 48.63 (1) of the statutes, as affected by 2007 Wisconsin Act 20,  
21 is amended to read:

22 48.63 (1) Acting under court order or voluntary agreement, the child's parent  
23 ~~or, guardian, or Indian custodian,~~ or the department, the department of corrections,  
24 a county department, or a child welfare agency licensed to place children in foster  
25 homes, treatment foster homes, or group homes may place a child or negotiate or act

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1 as intermediary for the placement of a child in a foster home, treatment foster home,  
2 or group home. Voluntary agreements under this subsection may not be used for  
3 placements in facilities other than foster, treatment foster, or group homes and may  
4 not be extended. A foster home or treatment foster home placement under a  
5 voluntary agreement may not exceed 180 days from the date on which the child was  
6 removed from the home under the voluntary agreement. A group home placement  
7 under a voluntary agreement may not exceed 15 days from the date on which the  
8 child was removed from the home under the voluntary agreement, except as provided  
9 in sub. (5). These time limitations do not apply to placements made under s. 48.345,  
10 938.183, 938.34, or 938.345. Voluntary agreements may be made only under this  
11 subsection and sub. (5) (b) and shall be in writing and shall specifically state that the  
12 agreement may be terminated at any time by the parent ~~or~~, guardian, or Indian  
13 custodian or by the child if the child's consent to the agreement is required. In the  
14 case of an Indian child who is placed under this subsection by the voluntary  
15 agreement of the Indian child's parent or Indian custodian, the voluntary consent of  
16 the parent or Indian custodian to the placement shall be given as provided in s.  
17 48.028 (5) (a). The child's consent to the agreement is required whenever the child  
18 is 12 years of age or older. If a county department, the department, or the department  
19 of corrections places a child or negotiates or acts as intermediary for the placement  
20 of a child under this subsection, the voluntary agreement shall also specifically state  
21 that the county department, department, or department of corrections has  
22 placement and care responsibility for the child as required under 42 USC 672 (a) (2)  
23 and has primary responsibility for providing services to the child.

24 **SECTION 167.** 48.63 (4) of the statutes is amended to read:

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1           48.63 (4) A permanency plan under s. 48.38 is required for each child placed  
2     in a foster home or treatment foster home under sub. (1). If the child is living in a  
3     foster home or treatment foster home under a voluntary agreement, the agency that  
4     negotiated or acted as intermediary for the placement shall prepare the permanency  
5     plan within 60 days after the date on which the child was removed from his or her  
6     home under the voluntary agreement. A copy of each plan shall be provided to the  
7     child if he or she is 12 years of age or over ~~and~~, to the child's parent or guardian, and,  
8     if the child is an Indian child, to the Indian child's Indian custodian and tribe. If the  
9     agency that arranged the voluntary placement intends to seek a court order to place  
10    the child outside of his or her home at the expiration of the voluntary placement, the  
11    agency shall prepare a revised permanency plan and file that revised plan with the  
12    court prior to the date of the hearing on the proposed placement.

13           **SECTION 168.** 48.63 (5) (b) of the statutes is amended to read:

14           48.63 (5) (b) If a child who is at least 14 years of age, who is a custodial parent,  
15    as defined in s. 49.141 (1) (b), or an expectant mother, and who is in need of a safe  
16    and structured living arrangement and the parent ~~or~~, guardian, or Indian custodian  
17    of the child consent, a child welfare agency licensed to place children in group homes  
18    may place the child or arrange the placement of the child in a group home described  
19    in s. 48.625 (1m). Before placing a child or arranging the placement of a child under  
20    this paragraph, the child welfare agency shall report any suspected abuse or neglect  
21    of the child as required under s. 48.981 (2). A voluntary agreement to place a child  
22    in a group home described in s. 48.625 (1m) may be made only under this paragraph,  
23    shall be in writing, and shall specifically state that the agreement may be terminated  
24    at any time by the parent, guardian, Indian custodian, or child. In the case of an  
25    Indian child who is placed in a group home under this paragraph by the voluntary

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1 agreement of the Indian child's parent or Indian custodian, the voluntary consent of  
2 the parent or Indian custodian to the placement shall be given as provided in s.  
3 48.028 (5) (a). An initial placement under this paragraph may not exceed 180 days  
4 from the date on which the child was removed from the home under the voluntary  
5 agreement, but may be extended as provided in par. (d) 3. to 6. An initial placement  
6 under this paragraph of a child who is under 16 years of age on the date of the initial  
7 placement may be extended as provided in par. (d) 3. to 6. no more than once.

8 **SECTION 169.** 48.63 (5) (c) of the statutes is amended to read:

9 48.63 (5) (c) A permanency plan under s. 48.38 is required for each child placed  
10 in a group home under par. (b) and for any child of that child who is residing with that  
11 child. The agency that placed the child or that arranged the placement of the child  
12 shall prepare the plan within 60 days after the date on which the child was removed  
13 from his or her home under the voluntary agreement and shall provide a copy of the  
14 plan to the child ~~and, the child's parent or guardian, and, if the child is an Indian~~  
15 child, the Indian child's Indian custodian and tribe.

16 **SECTION 170.** 48.63 (5) (d) 3. of the statutes is amended to read:

17 48.63 (5) (d) 3. If the agency that has placed a child under par. (b) or that has  
18 arranged the placement of the child wishes to extend the placement of the child, the  
19 agency shall prepare a revised permanency plan for that child and for any child of  
20 that child who is residing with that child and submit the revised permanency plan  
21 or plans, together with a request for a review of the revised permanency plan or plans  
22 and the child's placement, to the independent reviewing agency before the expiration  
23 of the child's placement. The request shall include a statement that an extension of  
24 the child's placement would be in the best interests of the child, together with reliable  
25 and credible information in support of that statement, a statement that the child and

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1 the parent ~~or~~, guardian, or Indian custodian of the child consent to the extension of  
2 the child's placement, and a request that the independent reviewing agency approve  
3 an extension of the child's placement. On receipt of a revised permanency plan or  
4 plans and a request for review, the independent reviewing agency shall set a time and  
5 place for the review and shall advise the agency that placed the child or that arranged  
6 the placement of the child of the time and place of the review.

7 **SECTION 171.** 48.63 (5) (d) 4. of the statutes is amended to read:

8 48.63 (5) (d) 4. Not less than 10 days before the review, the agency that placed  
9 the child or that arranged the placement of the child shall provide a copy of the  
10 revised permanency plan or plans and the request for review submitted under subd.  
11 3. and notice of the time and place of the review to the child, the parent, guardian,  
12 and legal custodian of the child, ~~and~~ the operator of the group home in which the child  
13 is placed, and, if the child is an Indian child, the Indian child's Indian custodian and  
14 tribe, together with notice of the issues to be determined as part of the permanency  
15 plan review and notice of the fact that those persons may have the opportunity to be  
16 heard at the review by submitting written comments to that agency or the  
17 independent reviewing agency before the review or by participating at the review.

18 **SECTION 172.** 48.63 (5) (d) 5. of the statutes is amended to read:

19 48.63 (5) (d) 5. At the review, any person specified in subd. 4. may present  
20 information relevant to the issue of extension and information relevant to the  
21 determinations specified in s. 48.38 (5) (c). After receiving that information, the  
22 independent reviewing agency shall make the determinations specified in s. 48.38  
23 (5) (c) and determine whether an extension of the child's placement is in the best  
24 interests of the child and whether the child and the parent ~~or~~, guardian, or Indian  
25 custodian of the child consent to the extension. If the independent reviewing agency

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1 determines that the extension is in the best interests of the child and that the child  
2 and the parent ~~or~~, guardian, or Indian custodian of the child consent to the extension,  
3 the independent reviewing agency shall approve, in writing, an extension of the  
4 placement for a specified period of time not to exceed 6 months, stating the reason  
5 for the approval, and the agency that placed the child or that arranged the placement  
6 of the child may extend the child's placement for the period of time approved. If the  
7 independent reviewing agency determines that the extension is not in the best  
8 interests of the child or that the child and the parent ~~or~~, guardian, or Indian  
9 custodian of the child do not consent to the extension, the independent reviewing  
10 agency shall, in writing, disapprove an extension of the placement, stating the  
11 reason for the disapproval, and the agency that placed the child or that arranged the  
12 placement of the child may not extend the placement of the child past the expiration  
13 date of the voluntary placement unless the agency obtains a court order placing the  
14 child in the group home after the expiration date of the voluntary placement.  
15 Notwithstanding the approval of an extension under this subdivision, the child or the  
16 parent ~~or~~, guardian, or Indian custodian of the child may terminate the placement  
17 at any time during the extension period.

18 **SECTION 173.** 48.63 (5) (d) 6. of the statutes is amended to read:

19 48.63 (5) (d) 6. Within 30 days after the review, the agency that prepared the  
20 revised permanency plan or plans shall prepare a written summary of the  
21 determinations specified in s. 48.38 (5) (c) that were made under subd. 5. and shall  
22 provide a copy of that summary to the independent reviewing agency, the child, the  
23 parent, guardian, and legal custodian of the child, ~~and~~ the operator of the group home  
24 in which the child was placed, and, if the child is an Indian child, the Indian child's  
25 Indian custodian and tribe.